

In re Reissue Application of: Michael A. Martinelli
U.S. Patent No: 5,592,939
Issue Date: January 14, 1997
Based upon Appl. No.: 490,342
Filing Date: June 14, 1995
Title: METHOD AND SYSTEM FOR NAVIGATING A CATHETER PROBE
Attorney's Docket No: MRTK-001RE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (b)) – INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to

the invention entitled METHOD AND SYSTEM FOR NAVIGATING A CATHETER PROBE
described in

☒ the specification filed herewith

☐ application serial no. _____, filed _____

☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Michael A. Martinelli

NAME OF INVENTOR

Signature of Inventor

Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

"Express Mail" Mailing Label Number EL263623271US. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to Box: Patent Application, Assistant Commissioner for Patents, Washington, DC 20231.

January 14, 1999

Date of Deposit


Marcellus Green

Box: Patent Application
Assistant Commissioner for Patents
Washington, DC 20231

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
BY MICHAEL A. MARTINELLI**

Sir:

I, Michael A. Martinelli, declare that:

1. My residence address is 58 Wedgemere Avenue, MA 01890, USA.
2. I am a citizen of the United States of America.
3. I believe I am the original, first and sole inventor of the subject matter that is described and claimed in United States patent number 5,592,939 ("the '939 patent" hereinafter), granted on January 14, 1997, and for which I solicit a reissue patent.

4. I have read and understand the contents of the attached reissue application, including the specification and claims.

5. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

6. I believe the '939 patent to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent. Specifically, it was an error not to have claimed a method of determining the location of one or more sensing coils affixed to a distal end of a catheter probe. It was also an error not to have claimed the coil location determining system in which that method is implemented.

7. The above-identified errors in the '939 patent arose without any deceptive intent.

8. I appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Mark G. Lappin	Reg. No. 26,618	Steven M. Mills	Reg. No. 36,610
Toby H. Kusmer	Reg. No. 26,418	Anthony P. Onello, Jr.	Reg. No. 38,572
Robert J. Schiller	Reg. No. 19,248	David Silverstein	Reg. No. 26,336
Elizabeth A. Levy	Reg. No. 34,375	Carolyn G. d'Agincourt	Reg. No. 43,327
Ronald R. Demsher	Reg. No. 42,478		

SEND CORRESPONDENCE TO:

Toby H. Kusmer, Esq.
Lappin & Kusmer LLP
200 State Street
Boston, MA 02109

DIRECT TELEPHONE CALLS TO:

Toby H. Kusmer, Esq.
Telephone: (617) 330-1300
Fax: (617) 330-1311

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jan 14, 1999
Date

Michael A. Martinelli
Michael A. Martinelli

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064770-158720

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: Michael A. Martinelli
U.S. Patent No: 5,592,939
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Marcellus Green

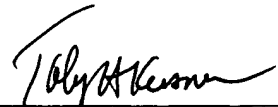
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STATEMENT OF PENDING LITIGATION

Sir:

The Applicant hereby acknowledges that the subject of this reissue application, U.S. Patent No. 5,592,939, is involved in pending litigation. The litigation is pending in the United States District Court, District of Massachusetts, as Civil Action No. 98-CV-12076 MLW. The nature of this pending Action is a Complaint for Correction of Inventorship, and thus is not material to the patentability of the above-mentioned Reissue Application.

Respectfully submitted,


Toby H. Kusmer
Registration Number 26,418
Lappin & Kusmer
Two Hundred State Street
Boston, MA 02109
Telephone: (617) 330-1300
Facsimile: (617) 330-1311

Date: January 14, 1999

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OFFER TO SURRENDER PATENT

Sir:

The undersigned Assignee of the accompanying reissue application for the reissue of United States Patent No. 5,592,939, granted on January 14, 1997, entitled "Method and System for Navigating a Catheter Probe" of which **Michael A. Martinelli** is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made, hereby offers to surrender said Patent.

Respectfully submitted,

Date: January 14, 1999

By: 
Michael A. Martinelli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

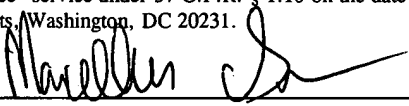
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ASSENT OF ASSIGNEE TO REISSUE

Sir:

The undersigned, assignee of the entire interest in the above-mentioned Letters Patent, hereby assents to the accompanying reissue patent application. Attached is a "Certificate Under 37 CFR 3.73(b)," establishing the right of the assignee to take action in this reissue application. The undersigned is empowered to sign this certificate on behalf of the assignee.

Respectfully submitted,

Date: January 14, 1999

By: 
Michael A. Martinelli

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ASSIGNEE CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Sir:

Michael A. Martinelli hereby certifies that he is the assignee of the entire right, title and interest in the above-identified patent by virtue of a chain of title from the inventor of the patent to the current assignee as shown below:

1. From: Michael A. Martinelli
To: Medtronic, Inc.
2. From: Medtronic, Inc.
To: Michael A. Martinelli

The undersigned has reviewed all the documents in the chain of title of the above-identified patent and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned intends to record these documents in the very near future.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: January 14, 1999

By: Michael A. Martinelli
Michael A. Martinelli

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